

GAHC010174522024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./2563/2024

SAJIDA KHATUN
W/O EMRADUL HOQUE @ AMRAJUL HOQUE
R/O VILL- PARMAIBHETI, DAGAON, P.S. JURIA, IN THE DISTRICT OF
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, SAMIM RAHMAN, MR S A
BARBHUYAN, MS SURAYA RAHMAN, MR A W AMAN, MR. SURAJIT DAS

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

26.09.2024

Heard Mr. S. Das, the learned counsel appearing for the petitioner. Also heard Mr. R.J. Baruah, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for grant of regular bail to the petitioner Sajida Khatun who was arrested on 03.07.2024 in connection with Juria P.S. Case No.170/2024, registered under Sections 120B/325/302 of the Indian Penal Code.

3. On the day of occurrence, the petitioner had attacked the deceased with a spade. She had hit on her head. As a result of which, the lady died.
4. The petitioner has already spent 86 days in judicial custody. Some documents are filed along with the bail application showing that the petitioner was admitted at the Regional Institute of Mental Health at Tezpur and she was discharged from the Hospital after some days.
5. Mr. Das submits that the petitioner has some mental problems. On the day of occurrence, the deceased lady had teased the petitioner. Therefore, she became angered and hit the deceased on her head. Mr. Das submits that the petitioner has a 3 year old child also who is now staying with her father.
6. I have considered the submissions made by the learned counsel of both sides.
7. This Court is satisfied that the petitioner was suffering from mental health. She has already completed 86 days in judicial custody. She has a three year old child. Considering the aforesaid facts, this Court is of the opinion that the petitioner no longer deserves to be detained in judicial custody for any further period of time. Her bail application is allowed.
8. It is hereby directed the petitioner Sajida Khatun who was arrested on 03.07.2024 in connection with Juria P.S. Case No.170/2024, registered under Sections 120B/325/302 of the Indian Penal Code, is allowed to go on bail of ₹25,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Nagaon.

The bail application is disposed of accordingly.

The case diary shall be returned.

JUDGE

Comparing Assistant